

Permitting & Assistance Branch Staff Report
New Full Solid Waste Facilities Permit for Potential Industries
SWIS No. 19-AR-1243
August 20, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the City of Los Angeles, Department of Building and Safety, Local Enforcement Agency (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed New Full Solid Waste Facilities Permit (SWFP) for Potential Industries, SWIS No. 19-AR-1243, located in Wilmington (City of Los Angeles), and owned and operated by Potential Industries. The report contains Permitting and Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on July 23, 2012. A new proposed permit was received on August 22 and August 29, 2012. Action must be taken on this permit no later than October 21, 2012. If no action is taken by October 21, 2012, the Department will be deemed to have concurred with the issuance of the proposed new permit.

Proposed Project

The following are the key design parameters of the proposed project:

	Proposed Solid Waste Facility Permit
Name	Potential Industries
Operator	Potential Industries, Inc.
Owner	Wilmington Properties, LP
Facility Type	Large Volume Transfer/Processing Facility (Material Recovery Facility)
Permitted Hours/Days of Operation	Material Acceptance: 24 Hours per Day, Monday – Sunday Material Processing/Refuse Transfer: 24 Hours per Day, Monday – Sunday.
Permitted Tons Per Operating Day	5,000 Tons per Day
Permitted Traffic Volume	501 Vehicles per Day
Permitted Area (acres)	8.4 acres
Design Capacity	5,865.70 Tons per Day

Key Issues

The proposed permit will allow for the following:

- The proposed additions will enable the facility to increase the design capacity from 1,000 tons per day to 5,865.7 tons per day.
- The facility will accept recyclable material from multi-family uses as well as segregated and commingled commercial material, including green waste, construction and demolition material, food waste, and mixed municipal material.

Background

Potential Industries has been operating as a recycling center in the City of Los Angeles since 1975. The facility is expanding the use of their current site by building a 5,485 square foot office addition to their existing office and building a 38,950 square foot material recovery facility building, with subterranean parking, that will replace an existing 36,000 square foot warehouse on-site. The facility currently accepts source separated single stream recyclable material collected from single family residential sources, and source separated segregated recyclable materials from commercial accounts, pre-consumer industrial sources, and State-certified Recycling Centers.

Findings:

Staff recommends concurrence in the issuance of the new proposed SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Waste Permitting, Compliance and Mitigation Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 17, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	Staff initially received a proposed SWFP on July 23, 2012. A revised proposed SWFP was received on August 22, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on August 22, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated August 6, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting & Assistance Branch staff determined that the design and operations described in the submitted Transfer Processing Report, dated November 29, 2011, revised April 2012, will allow the proposed facility to comply with State Minimum Standards.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on July 23, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on March 22, 2012. Written comments were received by the LEA staff. See Public comment section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Permitting & Assistance Branch staff determined that the design and operations described in the submitted Transfer Processing Report will allow the proposed facility to comply with State Minimum Standards.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where feasible and within its jurisdiction, any potentially significant environmental impacts of the proposed new SWFP before the Department concur on it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Los Angeles, Department of Building and Safety, acting as the Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2012041081, was circulated for a 30 day comment period from April 27, 2012, through May 29, 2012. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND was adopted by the Lead Agency on August 13, 2012. The City of Los Angeles, Department of Building and Safety, will file a Notice of Determination with the State Clearinghouse following the issuance of the New SWFP.

The LEA has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the Lead Agency, the proposed new SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Noticing and Comments:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. The LEA held a public informational meeting on March 22, 2012, at the Bannings Landing Community Center, located at 100 East Water Street, in Wilmington (City of Los Angeles). The meeting was attended by four members of the public and four written comments were received by the LEA staff. All commenters expressed their support for the project.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on August 21, 2012.